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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/586,722	06/05/2000	Robert I. G. McLean	C1197-991110	7897

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EXAMINER

COLON, CATHERINE M

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/586,722

Applicant(s)

MCLEAN ET AL.

Examiner

C. Michelle Colon

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The following is a Non-Final Office Action in response to the communication received on June 5, 2000. Claims 1 – 22 are now pending in this application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites the limitation "the financial value stream" in line 8. There is insufficient antecedent basis for this limitation in the claim. In particular, it is unclear whether "the financial value stream" in line 8 is referring to the previously recited "a value stream" in line 4, or is introducing a new type of value stream.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Pouschine et al. (U.S. 5,918,232).

As per claim 1, Pouschine et al. discloses a method of processing data relating to the performance of a business enterprise in creating value, comprising:

developing a data structure including assumed variables that have an influence on a value stream of the business enterprise, the assumed variables in said data structure being arranged in a multi-level hierarchy in which assumed variables positioned at a lower level in the hierarchy influence one or more assumed variables positioned at a higher level in the hierarchy (col. 4, lines 23-42; col. 7, lines 7-12; The reference discloses a hyperstructure for modeling variables of an enterprise where the hyperstructure represents a hierarchical relationship among the variables.);

determining a first outcome for the financial value stream of the business enterprise based upon the assumed variables (col. 9, line 57-col. 10, line 55; col. 11, lines 6-48; col. 15, lines 33-66; The reference discloses determining the outcome of business modeling based on various time, organization and finance dimensions using a calculation engine.);

authorizing a user to alter one or more of the assumed variables according to a level of the hierarchy in which the assumed variables are positioned (col. 9, lines 57-67; col. 14, line 64-col. 15, line 8; col. 18, lines 9-18; The reference discloses allowing users to alter variables in the hierarchy to conduct "what-if" analyses.); and

determining a second outcome for the value stream of the business enterprise taking into account the altered assumed variables (col. 9, line 57-col. 10, line 55; col.

11, lines 6-48; col. 15, lines 33-66; The reference discloses determining the outcome of business modeling based on various time, organization and finance dimensions using a calculation engine. Users can alter the variables any number of times during the modeling to view the various outcomes.).

As per claim 2, Pouschine et al. discloses the method according to claim 1, wherein the first outcome includes a present financial value of the value stream (col. 10, lines 25-31; col. 11, lines 41-48).

As per claim 3, Pouschine et al. discloses the method according to claim 1, wherein the first outcome includes a non-financial metric (col. 10, lines 25-31; The reference discloses several non-financial metrics.).

As per claim 4, Pouschine et al. discloses the method according to claim 1, further comprising:

authorizing each of a plurality of users to alter the assumed variables according to a level of the hierarchy in which the assumed variables are positioned (col. 9, line 52-col. 10, line 12; col. 14, line 20-col. 15, line 8; Figure 6; The reference discloses allowing users to alter assumed variables to conduct what-if scenarios.);

storing, for each altered assumed variable, an identification of the user who made the alteration (col. 9, line 52-col. 10, line 12; col. 14, line 20-col. 15, line 8; col. 18, lines 9-18; The reference discloses identifying the user who alters the variables.); and

determining alternate outcomes for the value stream of the business enterprise taking into account selected aggregations of the altered assumed variables wherein the selected aggregations are formed according to the stored identifications (col. 14, line

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20-col. 15, line 8; Figure 7; The reference discloses determining alternate outcomes for the value stream by changing the assumed variables in the what-if analyses.).

As per claims 5 and 18, Pouschine et al. discloses a method of processing data relating to the performance of a business enterprise in creating value, comprising:

developing a data structure including a plurality of assumed variables that have an influence on a value stream of the business enterprise, the data structure having a portion which defines a base case scenario for the business enterprise (col. 4, lines 23-42; col. 7, lines 7-12; col. 13, lines 32-50; The reference discloses a hyperstructure for modeling variables of an enterprise where the hyperstructure represents a hierarchical relationship among the variables. The hierarchical relationship defines a base scenario for the business enterprise. The relationship also accounts for time such as in past and future events.);

determining an outcome for the value stream of the business enterprise based upon the assumed variables of the base case scenario (col. 9, line 57-col. 10, line 55; col. 11, lines 6-48; col. 15, lines 33-66; The reference discloses determining the outcome of business modeling based on various time, organization and finance dimensions using a calculation engine.);

altering, by a plurality of users, selected ones of the plurality of assumed variables (col. 9, lines 57-67; col. 14, line 64-col. 15, line 8; col. 18, lines 9-18; The reference discloses allowing users to alter variables in the hierarchy to conduct "what-if" analyses.);

storing each altered assumed variable in the data structure in association with an identifier of the user who made the alteration, and maintaining the assumed variables of the base case scenario unchanged by the plurality of users (col. 8, lines 46-49; col. 9, line 52-col. 10, line 12; col. 14, line 20-col. 15, line 8; col. 18, lines 9-18; The reference discloses identifying the user who alters the variables. The reference discloses allowing users to change only certain types of variables called UEVs.);

aggregating selected ones of the altered assumed variables and selected ones of the assumed variables of the base case scenario in accordance with the stored identifiers to form one or more alternate scenarios (col. 14, line 20-col. 15, line 8; Figure 7; The reference discloses determining alternate outcomes for the value stream by changing the assumed variables in the what-if analyses.); and

determining an outcome for the value stream of the business enterprise based upon each of the alternate scenarios (col. 14, line 20-col. 15, line 8; Figure 7; The reference discloses determining alternate outcomes for the value stream by changing the assumed variables in the what-if analyses.).

As per claims 6 and 19, Pouschine et al. discloses the method according to claims 5 and 18, wherein the assumed variables are arranged in a multi-level hierarchy in which assumed variables positioned at a lower level in the hierarchy influence one or more assumed variables positioned at a higher level in the hierarchy (col. 4, lines 23-42; col. 7, lines 7-12; The reference discloses a hyperstructure for modeling variables of an enterprise where the hyperstructure represents a hierarchical relationship among the variables.).

As per claims 7 and 20, Pouschine et al. discloses the method according to claims 6 and 19, wherein said altering further comprises authorizing each of the users to alter the assumed variables according to a level of the hierarchy in which the assumed variables are positioned (col. 14, line 20-col. 15, line 8; Figure 6; The reference discloses allowing users to alter assumed variables to conduct what-if scenarios.).

As per claims 8 and 21, Pouschine et al. discloses the method according to claims 5 and 18, wherein the outcome of the base case scenario includes a present financial value of the value stream (col. 10, lines 25-31; col. 11, lines 41-48).

As per claim 9, Pouschine et al. discloses the method according to claim 8, wherein the outcome of the base case scenario includes a non-financial metric (col. 10, lines 25-31; The reference discloses several non-financial metrics.).

As per claim 10, Pouschine et al. discloses a method of processing data relating to the performance of a business enterprise in creating value, comprising:

developing a data structure including a plurality of assumed variables that have an influence on a value stream of the business enterprise, the data structure having a portion which defines a base case scenario for the business enterprise (col. 4, lines 23-42; col. 7, lines 7-12; The reference discloses a hyperstructure for modeling variables of an enterprise where the hyperstructure represents a hierarchical relationship among the variables. The hierarchical relationship defines a base scenario for the business enterprise.);

determining an outcome for the value stream of the business enterprise based upon the assumed variables of the base case scenario (col. 9, line 57-col. 10, line 55;

col. 11, lines 6-48; col. 15, lines 33-66; The reference discloses determining the outcome of business modeling based on various time, organization and finance dimensions using a calculation engine.);

providing real-time feedback, by each of a plurality of users, on the value creation performance of the business enterprise (col. 14, lines 1-19; Figures 2-4; The reference discloses providing immediate feedback to users once the queries and the variables have been specified.);

storing the real-time feedback in the data structure in association with an identifier of the user who provided each portion of the feedback, and maintaining the assumed variables of the base case scenario unchanged by the plurality of users (col. 14, line 20-col. 15, line 8; The reference discloses identifying users who change the UEV variables while maintaining unchanged variables.);

aggregating selected ones of the portions of the feedback and selected ones of the assumed variables of the base case scenario (col. 14, line 20-col. 15, line 8; Figure 7; The reference discloses determining alternate outcomes for the value stream by changing the assumed variables in the what-if analyses.);

determining an outcome for the value stream of the business enterprise based upon the selected ones of the portions of the feedback and the selected ones of the assumed variables of the base case scenario (col. 14, line 20-col. 15, line 8; Figure 7; The reference discloses determining alternate outcomes for the value stream by changing the assumed variables in the what-if analyses.).

As per claim 11, Pouschine et al. discloses the method according to claim 10, wherein the assumed variables are arranged in a multi-level hierarchy in which assumed variables positioned at a lower level in the hierarchy influence one or more assumed variables positioned at a higher level in the hierarchy (col. 4, lines 23-42; col. 7, lines 7-12; The reference discloses a hyperstructure for modeling variables of an enterprise where the hyperstructure represents a hierarchical relationship among the variables.).

As per claim 12, Pouschine et al. discloses the method according to claim 10, wherein the outcome of the base case scenario includes a present financial value of the value stream (col. 10, lines 25-31; col. 11, lines 41-48).

As per claim 13, Pouschine et al. discloses the method according to claim 10, wherein the outcome of the base case scenario includes a non-financial metric (col. 10, lines 25-31; The reference discloses several non-financial metrics.).

As per claim 14, Pouschine et al. discloses a system for processing data relating to the performance of a business enterprise in creating value, comprising:

a memory device for storing a data structure including assumed variables that have an influence on a value stream of the business enterprise, the assumed variables in said data structure being arranged in a multi-level hierarchy in which assumed variables positioned at a lower level in the hierarchy influence one or more assumed variables positioned at a higher level in the hierarchy (col. 4, lines 23-42; col. 7, lines 7-12; The reference discloses a hyperstructure for modeling variables of an enterprise where the hyperstructure represents a hierarchical relationship among the variables.);

means for authorizing a user to alter one or more of the assumed variables according to a level of the hierarchy in which the assumed variables are positioned (col. 14, line 20-col. 15, line 8; The reference discloses authorizing users to alter certain assumed variables called UEVs.);

a filter for selecting certain ones of the assumed variables and for selecting certain ones of the altered assumed variables (col. 29, lines 1-65; Figure 12; The reference discloses the ability to filter certain assumed variables.); and

a calculation engine for receiving the certain ones of the assumed variables and the certain ones of the altered assumed variables from the filter and for determining an outcome for the financial value stream of the business enterprise based upon the certain ones of the assumed variables and the certain ones of the altered assumed variables (col. 4, lines 51-67; col. 15, lines 33-57; Figure 7; The reference discloses a calculation engine for taking in certain variables and determining an outcome for the financial value stream based on the variables.).

As per claim 15, Pouschine et al. discloses the system according to claim 14, wherein the outcome of the base case scenario includes a present financial value of the value stream (col. 10, lines 25-31; col. 11, lines 41-48).

As per claim 16, Pouschine et al. discloses the system according to claim 14, wherein the outcome of the base case scenario includes a non-financial metric (col. 10, lines 25-31; The reference discloses several non-financial metrics.).

As per claim 17, Pouschine et al. discloses the system according to claim 14, further comprising:

means for authorizing each of a plurality of users to alter the assumed variables according to a level of the hierarchy in which the assumed variables are positioned, wherein for each altered assumed variable, an identification of the user who made the alteration is stored in the data structure (col. 9, line 52-col. 10, line 12; col. 14, line 20-col. 15, line 8; col. 18, lines 9-18; Figure 6; The reference discloses allowing users to alter assumed variables to conduct what-if scenarios. The reference also discloses identifying the user who alters the variables.);

means for determining alternate outcomes for the value stream of the business enterprise taking into account selected aggregations of the altered assumed variables wherein the selected aggregations are formed according to the stored identifications (col. 14, line 20-col. 15, line 8; Figure 7; The reference discloses determining alternate outcomes for the value stream by changing the assumed variables in the what-if analyses.).

As per claim 22, Pouschine et al. discloses the method according to claim 18, wherein the outcome of the base case scenario includes a non-financial metric (col. 10, lines 25-31; The reference discloses several non-financial metrics.).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Eder (U.S. 6,393,406) discusses a method and system for valuing elements of a business enterprise;

- Shukla (U.S. 6,456,997) discusses a system and method for dynamically generating a hierarchy in a planning system;
- Eder (U.S. 6,321,205) discusses a method for modeling business improvement programs; and
- Harhen (U.S. 5,406,477) discusses a computer-based method for enterprise analysis.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Colon whose telephone number is 703-605-4251. The examiner can normally be reached Monday – Thursday from 8:30am to 5:30pm and every other Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 703-305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Any response to this action should be mailed to:

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Washington D.C. 20231

or faxed to:

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703-746-7202

[For status inquiries, draft communication, labeled

"Proposed" or "Draft"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA 7th floor receptionist.


cmc

August 10, 2003


Romain Jeanty
Art Unit 3623